

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 04/07/03.

I. DISPUTE

Whether there should be **additional** reimbursement for prescriptions dispensed on 07/15/02, 07/29/02, 08/14/02, 08/28/02 and 09/12/02. The Respondent's EOBs deny any additional reimbursement as, "D PAYMENT DENIED BECAUSE THIS IS AN IDENTICAL PROCESSED CHARGE. INITIALLY BILLED FOR 64.15 & WAS ALLOWED. MAY NOT CHANGE AMOUNT PER RULE 133.304K."

II. RATIONALE

TWCC Rule 133.304 states "The explanation of benefits shall include the correct payment exception codes required by the Commission's instructions, and shall provide sufficient explanation to allow the sender to understand the reason(s) for the insurance carrier's action(s)." The Carrier's EOB does not address or support their initial denial for the medications billed. Therefore, the Carrier has not supported their denial in accordance with TWCC Rule 133.304 (c).

The provider billed the generic medication in accordance with Rule 134.503 (a) (2) (A). Additional reimbursement is recommended.

III. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Medical Review has determined that the requestor **is** entitled to reimbursement for prescriptions dispensed on 07/15/02, 07/29/02, 08/14/02, 08/28/02 and 09/12/02. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Medical Review Division hereby ORDERS the Respondent to remit **\$727.25** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 22nd day of July 2003.

Denise Terry
Medical Dispute Resolution Officer
Medical Review Division

DT/dt